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4 GMYL, L.P.,
5 Plaintiff.

6 v.
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8 ERNESTO COPPOLA, et al.,
9 Defendants.
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11 Case No. [13-cv-04739-RS](#) (JCS)
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**NOTICE OF REFERENCE AND
ORDER RE DISCOVERY
PROCEDURES**

13 Re: Dkt. Nos. 39, 40
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15 TO ALL PARTIES AND COUNSEL OF RECORD:

16 The above matter has been referred to the undersigned regarding jurisdictional discovery,
17 specifically, whether plaintiff's deposition of defendant should take place in the United States and
18 for all further discovery matters. Please be advised that if a specific motion was filed before the
19 District Court prior to this referral, the noticed date may no longer be in effect. All hearing dates
20 are subject to the availability of the Court's calendar. Please contact the Courtroom Deputy, Karen
21 Hom, at (415) 522-2035, to confirm or, if necessary, reschedule a hearing date. Regardless of
22 whether the Court reschedules a hearing date, all opposition and reply papers shall be timely filed
23 according to the originally noticed hearing date, pursuant to Civil L. R. 7-3.

24 IT IS HEREBY ORDERED THAT the parties shall file a further joint letter, not to exceed
25 five (5) pages, making any arguments they desire to make on this matter within one (1) week from
26 the date of this order.

27 **LAW AND MOTION PROCEDURES**

28 Civil law and motion is heard on Friday mornings at 9:30 a.m., in Courtroom G, 15th
Floor, United States District Court, 450 Golden Gate Avenue, San Francisco, California.

In the event a future **discovery dispute** arises, IT IS HEREBY ORDERED that before

1 filing any discovery motion before this Court, the parties must comply with the following:

2 1. Lead trial counsel for both parties must meet and confer *in person* regarding the
3 matter(s) at issue. This meeting shall occur after other efforts to resolve the dispute,
4 such as telephone, e-mail, teleconference, or correspondence, have been unsuccessful.
5 Once those efforts have proved unsuccessful, any party may demand a meeting of lead
6 trial counsel to resolve a discovery matter. Such a meeting shall occur within ten (10)
7 calendar days of the demand. The locations of the meetings shall alternate. The first
8 meeting shall be at a location selected by counsel for Plaintiff(s). If there are any
9 future disputes, the next such meeting shall be held at a location to be determined by
10 counsel for Defendant(s), etc.

11 2. Within five (5) calendar days of the in-person meeting between lead trial counsel
12 referred to above, the parties shall jointly file a detailed letter with the Court, not to
13 exceed five (5) pages without leave of Court, which will include the matters that
14 remain in dispute, a detailed substantive description of each side's position on each
15 such issue, and a description of each side's proposed compromise on each such issue.

16 3. After the Court has received the joint letter, the Court will determine what future
17 proceedings, if any, are necessary.

18 In the event that the parties continue to be unable to resolve the matters regarding the timing
19 and scope of discovery, the Court will consider what future actions are necessary. These actions
20 may include the following: (1) sanctions against a party failing to cooperate in the discovery
21 process and meet and confer in good faith, as required by this Order, the Federal Rules of Civil
22 Procedure, and the Local Rules of this Court; and/or (2) requiring the Chief Executive Officers of
23 each party to attend the in-person, meet-and-confer sessions described above. The Court is not
24 entering either of these matters as an Order of the Court at this time, and fully expects counsel to
25 meet their obligations under this Order and under the Local Rules.

26 A party or counsel has a continuing duty to supplement the initial disclosure when required
27 under Fed. R. Civ. P. 26(e)(1).

28 Law and motion matters may be submitted without argument upon stipulation of the parties

1 and notification of the Court no later than 4:30 p.m. the day before the hearing. Pursuant to Civil
2 L. R. 7-7(e), filed motions may be withdrawn without leave of the Court, within seven (7) days of
3 the date for service of the opposition. Thereafter, leave of the Court must be sought.

4 All filings of documents relating to motions referred to the undersigned shall list the civil case
5 number and the district court judge's initials followed by the designation "(JCS)".

6 **ELECTRONIC FILING AND COURTESY COPIES**

7 Please refer to Civil L. R. 5-4 and General Order No. 45 for the Northern District of California
8 for information relating to electronic filing procedures and requirements. All documents shall be
9 filed in compliance with the Civil Local Rules. Documents not filed in compliance with those
10 rules will not be considered by the Court.

11 **BEFORE NOON ON THE NEXT BUSINESS DAY FOLLOWING THE ELECTRONIC**
12 **FILING, THE PARTIES ARE REQUIRED TO LODGE DIRECTLY WITH CHAMBERS ONE**
13 **CONFORMED, PAPER COPY OF EACH DOCUMENT, WHICH IS TO BE DESIGNATED**
14 **"JCS'S CHAMBERS' COPY."**

15 The failure of counsel or a party to abide by this Order may result in sanctions pursuant to Fed.
16 R. Civ. P. 16(f).

17 **IT IS SO ORDERED.**

18 Dated: March 6, 2014

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JOSEPH C. SPERO
United States Magistrate Judge

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